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DEPARTMENT OF EDUCATION

Proposed Waiver and Extension of the Project Period for the Native Hawaiian Career and Technical Education Program (Catalog of Federal Domestic Assistance (CFDA) Number: 84.259A).

AGENCY: Office of Career, Technical, and Adult Education, Department of Education.

ACTION: Proposed waiver and extension of the project period.

SUMMARY: For the Native Hawaiian Career and Technical Education Program (NHCTEP), the Secretary proposes to waive the requirements in 34 CFR 75.261(a) and (c)(2) that generally prohibit project period extensions involving the obligation of additional Federal funds and extend the project periods for the current seven NHCTEP grantees for an additional 12 months under the existing program authority. This proposed waiver and extension would allow the seven current NHCTEP grantees to seek fiscal year (FY) 2017 continuation awards for project periods through FY 2018 under the existing program authority.

DATES: We must receive your comments on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: Address all comments regarding this proposed extension and waiver to Linda Mayo, U.S. Department of Education, 400 Maryland Avenue SW., Room 11075, Potomac Center Plaza (PCP), Washington, DC 20202-7241. If you prefer to send your comments by email, use the following address: linda.mayo@ed.gov. You must include the term "Proposed Waiver and Extension for NHCTEP" in the subject line of your message.

FOR FURTHER INFORMATION CONTACT: Linda Mayo by telephone at (202) 245-7792 or by email at: linda.mayo@ed.gov. If you use a telecommunications device for the deaf or a text telephone, call the Federal Relay Service, toll free, at 1-800-877-8339.

SUPPLEMENTARY INFORMATION:

Invitation to Comment: We invite you to submit comments regarding this proposed waiver and extension of the project period. During and after the comment period, you may inspect all public comments about this proposed waiver and extension in Room 11075, PCP, 550 12th Street SW., Washington, DC, between the hours of 8:30 a.m. and 4

p.m., Washington, DC time, Monday through Friday of each week, except Federal holidays.

Assistance to Individuals with Disabilities in

Reviewing the Rulemaking Record: On request, we will provide an appropriate accommodation or auxiliary aid to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for this notice. If you want to schedule an appointment for this type of aid, please contact the person listed under FOR FURTHER INFORMATION CONTACT.

Background

NHCTEP, authorized by section 116 of the Carl D. Perkins Career and Technical Education Act of 2006 (Act), supports grants to community-based organizations primarily serving and representing Native Hawaiians.¹ Under this program, grantees carry out projects that provide organized educational activities offering a sequence of courses that --

(a) Provides individuals with coherent and rigorous content aligned with challenging academic standards and

¹For purposes of NHCTEP, "community-based organization" means a public or private organization that provides career and technical education, or related services, to individuals in the Native Hawaiian community.

relevant technical knowledge and skills needed to prepare for further education and careers in current or emerging professions;

(b) Provides technical skill proficiency, an industry-recognized credential, a certificate, or an associate degree; and

(c) May include prerequisite courses (other than remedial courses) that meet the definitional requirements of section 3(5)(A) of the Act (20 U.S.C. 2302(5)(A)).

These organized educational activities may also include competency-based applied learning that contributes to the academic knowledge, higher-order reasoning and problem-solving skills, work attitudes, general employability skills, technical and occupation-specific skills, and knowledge of all aspects of an industry, including entrepreneurship, of an individual.

On June 14, 2013, we published in the Federal Register (78 FR 35877), a notice inviting applications for NHCTEP grants (2013 NIA). The project periods for the NHCTEP projects funded under the 2013 NIA were scheduled to end in 2015.

On February 10, 2015, we published in the Federal Register (80 FR 7397) a proposed waiver and extension of

the project period for the NHCTEP. In that notice, we stated that we did not believe it would be in the public interest to hold a new NHCTEP competition in FY 2015, due to the potential for changes in the authorizing legislation for NHCTEP beyond 2015, resulting in projects that might then operate for just one year. Following that notice and consideration of the comments received in response to it, on July 7, 2015 we published in the Federal Register (80 FR 38672), a notice of final waiver and extension of the project period for the NHCTEP, waiving the requirements of 34 CFR 75.261(a) and (c)(2) that generally prohibit project period extensions involving the obligation of additional Federal funds. Therefore, the current seven NHCTEP grantees were permitted to request an extension of the project period for up to an additional 24 months.

In this notice, we are proposing to waive the requirements in 34 CFR 75.261(a) and (c)(2) in order to allow the Department to consider requests to extend the project period for an additional 12 months. Given that these funds expire by September 30, 2017, there would be limited time to conduct a NHCTEP competition and provide the new administration sufficient time to determine its Career and Technical Education priorities. Therefore, the

Department believes it is in the best interest of the public to extend the grants for an additional twelve months.

If this proposed waiver becomes final through a notice of final waiver and extension of the project period published in the Federal Register: (1) the requirements applicable to continuation awards for current NHCTEP grantees set forth in the 2013 NIA and the requirements in 34 CFR 75.253 would apply to any continuation awards sought by current NHCTEP grantees; and (2) we will make decisions regarding the continuation awards based on grantee program narratives, budgets and budget narratives, and program performance reports and the requirements in 34 CFR 75.253; and (3) we will not announce a new competition or make new awards in FY 2017.

The proposed waiver and project period extension would not exempt the current NHCTEP grantees from the appropriation account closing provisions of 31 U.S.C. 1552(a), nor would they extend the availability of funds previously awarded to current NHCTEP grantees. As a result of 31 U.S.C. 1552(a), appropriations available for a limited period may be used for payment of valid obligations for only five years after the expiration of their period of

availability for Federal obligation. After that time, the unexpended balance of those funds is canceled and returned to the U.S. Department of the Treasury and is unavailable for restoration for any purpose (31 U.S.C. 1552(b)).

Regulatory Flexibility Act Certification

The Secretary certifies that the proposed waiver and extension and the activities required to support additional months of funding would not have a significant economic impact on a substantial number of small entities.

The small entities that would be affected by this proposed waiver and extension are the seven currently funded NHCTEP grantees and any other potential applicants. The Secretary certifies that the proposed waiver and extension would not have a significant economic impact on these entities because the extension of an existing project imposes minimal compliance costs, and the activities required to support the additional years of funding would not impose additional regulatory burdens or require unnecessary Federal supervision.

Paperwork Reduction Act of 1995

This notice of proposed waiver and extension does not contain any information collection requirements.

Intergovernmental Review

The NHCTEP is not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (e.g., braille, large print, audiotape, or compact disc) on request to the contact person listed under FOR FURTHER INFORMATION CONTACT.

Electronic Access to This Document: The official version of this document is the document published in the Federal Register. Free internet access to the official edition of the Federal Register and the Code of Federal Regulations is available via the Federal Digital System at: www.gpo.gov/fdsys. At this site you can view this document, as well as all other documents of this Department published in the Federal Register, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at this site.

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Dated: April 11, 2017

Kim R. Ford,
Delegated the Duties of the
Assistant Secretary for Career,
Technical, and Adult Education.

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